

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 2, 10 and 17-19 are cancelled. Claims 1, 3-9, and 11-16 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

In the Office Action, claims 1 and 9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Sako '044 (Japanese Application Publication No. JP 2000-011535 wherein U.S. Patent Application Publication No. 2004/0081044 is relied on as a translation thereof), and claims 2 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako '044 in view of Sako '201 (U.S. Patent No. 6,134,201). Claims 2 and 10 are cancelled. Applicant submits that the remaining claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1 and 9 have been amended to include features previously called for in claims 2 and 10, respectively.

As amended herein, claim 1 recites:

wherein the step of recording the data includes encoding the data by key data formed by using the identifying information, and recording the encoded data in the recording media.

(Emphasis added.) Neither the relied on sections of Sako '044 nor the relied on sections of Sako '201 disclose or suggest encoding data by key data formed by using identifying information (read from recording media).

The Examiner acknowledges that Sako '044 does not teach the above feature but contends that Sako '201 does and relies on Fig. 1, column 7 lines 7-8 and 11-13, column 2 line 67 - column 3 line 1, and column 3 lines 5-10, 14-16, and 20-26 of Sako '201. However, such sections neither disclose nor suggest

encoding data by key data formed by using identifying information read from recording media.

It follows, for at least these reasons, that neither the relied on sections of Sako '044 nor the relied on sections of Sako '201, whether taken alone or in combination, disclose or suggest the method set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on sections of the references.

Independent claim 9 calls for features similar to those set out in the above excerpts of claim 1 and therefore is patentably distinct and unobvious over the relied on sections of Sako '044 and Sako '201 at least for the same reasons.

Claims 3, 5, 11 and 13 were rejected under 35 U.S.C. § 102(b) as being anticipated by Murata (Japanese Application Publication No. JP 2001-093156 wherein U.S. Patent No. 7,035,172 is relied on as a translation thereof), and claims 4 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Murata in view of Sako '201 (U.S. Patent No. 6,134,201). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 3 and 11 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes.

As amended herein, claim 3 recites:

preparing the identifying information which identifies the recording media in response to the discriminating step discriminating that the identifying information is not recorded anywhere on the recording media[.]

(Emphasis added.) The relied on sections of Murata neither disclose nor suggest preparing identifying information in

response to discriminating that the identifying information is not recorded anywhere on the recording media.

Rather such sections teach erasing a PMA area in response to determining that no disc ID is present in the PMA area, and teach rewriting the disc ID in all 10 frames of PMA in response to determining that the disc ID is not recorded in all of the 10 frames of PMA. (See Fig.1 S20,S21,S23,S26; col.1 11.24-26 and 38-60, and col.8 1.55 - col.9 1.15).

It follows, for at least the above reasons, that the relied on sections of Murata do not disclose or suggest the combination defined in claim 3 and therefore do not anticipate the claim.

Independent claim 11 calls for features similar to those set out in the above excerpt of claim 3 and is therefore patentably distinguishable over the relied on sections of Murata for at least the reasons set out above regarding claim 3.

Claims 4-5 depend from claim 3, and claims 12-13 depend from claim 11. Therefore, each of these claims is distinguishable over the relied on sections of Murata at least for the same reasons as its parent claim.

The relied-on sections of Sako '201 do not overcome the deficiencies of the relied-on sections of Murata.

Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako '201 in view of Sako '260 (International Application Publication No. WO 01/15164 wherein U.S. Patent No. 7,072,260 is relied on as a translation thereof). Claim 19 is cancelled.

Claims 6-8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako '201 in view of Sako '260 and further in view of Sako '044. Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claim 6 has been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes.

As amended herein, claim 6 recites:

in response to the discriminating step
discriminating that the identifying information is not
recorded anywhere on the recording media,
preparing the identifying information,
recording the prepared identifying
information and the data on the recording media,
and
storing the discriminated identifying
information in the recording device[.]

(Emphasis added.) Neither the relied on sections of Sako '201, the relied on sections of Sako '260, nor the relied on sections of Sako '044 disclose or suggest preparing identifying information in response to discriminating that identifying information is not recorded anywhere on recording media. Moreover, neither the relied on sections of Sako '201, the relied on sections of Sako '260, nor the relied on sections of Sako '044 disclose or suggest recording prepared identifying information on recording media in response to discriminating that identifying information is not recorded anywhere on the recording media. Further, neither the relied on sections of Sako '201, the relied on sections of Sako '260, nor the relied on sections of Sako '044 disclose or suggest storing discriminated identifying information in a recording device in response to discriminating that identifying information is not recorded anywhere on recording media.

The Examiner acknowledges that Sako '201 does not teach discriminating whether identifying information which identifies a recording media is recorded on a recording media and does not teach the above feature but contends that Sako '260 does. However, the relied on sections of Sako '260 neither disclose nor suggest preparing identifying information in

response to a result of such a discriminating step, neither disclose nor suggest recording prepared identifying information on recording media in response to a result of such a discriminating step, and neither disclose nor suggest storing discriminated identifying information in a recording device in response to a result of such a discriminating step.

The relied-on sections of Sako '044 do not overcome the deficiencies of the relied-on sections of Sako '201 and Sako '260.

It follows, for at least these reasons, that neither the relied on sections of Sako '201, the relied on sections of Sako '260, nor the relied on sections of Sako '044, whether taken alone or in combination, disclose or suggest the method set out in claim 6. Claim 6 is therefore patentably distinct and unobvious over the relied on sections of the references.

Claims 7-8 depend from claim 6. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons.

Claims 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako '044 in view of Sako '260 and further in view of Sako '201. Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claim 14 has been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes.

As amended herein, claim 14 calls for features similar to those set out in the above excerpts of claim 6. Claim 14 is therefore patentably distinct and unobvious over the relied on sections of Sako '044, Sako '260, and Sako '201 at least for the same reasons.

Claims 15-16 depend from claim 14. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons.

Claims 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sako '260 in view of Sako '201. Claims 17-18 are cancelled.

Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 102(b) and 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: June 4, 2009

Respectfully submitted,

By 

Lawrence E. Russ

Registration No.: 35,342

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant